

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

VINCENT DANIEL HOPPER,

Plaintiff,

v.

MICHAEL MELENDEZ,

Defendant.

Case No. C05-5680RBL

ORDER STAYING ACTION EXCEPT
AS NOTED BELOW

This Bivens action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrates' Rules MJR 1, MJR 3, and MJR 4. Bivens v Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971). The only remaining defendant is Michael Melendez. On May 24, 2007, defendant Melendez moved for summary judgment on the only remaining issue in this case, the constitutionality of the telephone system provided to plaintiff (Dkt. # 141). Defendant's motion was filed one day before the motion cut off date.

Since the filing of that motion plaintiff has filed four motions and a number of other pleadings (Dkt. # 144 to 155). Several of plaintiff's motions must be addressed before the court issues a Report and Recommendation on defendant's motion for summary judgement.

The court now orders this action is **STAYED**. The parties will file no further pleadings

ORDER

1 except defendants may file a reply to plaintiff's response to the motion for summary judgment.

2 Plaintiff filed a late response (Dkt # 152, 155). Plaintiff states the responses are the same document
3 in different fonts. Initial review of the document confirms plaintiff's statement.

4 Defendant will be given until July 27, 2007, to file a reply. Defendant's motion for summary
5 judgment is re-noted by the court for **July 27, 2007**, on the court's own motion.

6 The Clerk is directed to send a copy of this Order, to plaintiff and counsel for defendants and
7 re-note defendant's motion for summary judgment for July 27, 2007.

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9 DATED this 6 day of July 2007.

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12 /S/ J. Kelley Arnold

13 J. Kelley Arnold

14 United States Magistrate Judge
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ORDER